
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Local Authorities (Alcohol Disorder Zones) Regulations 2008

PART 4

Alcohol Disorder Zone: Designation and Charges

Designation of an alcohol disorder zone

9.—(1) Before designating an alcohol disorder zone where the locality includes or is adjacent to an area where the British Transport Police have jurisdiction under section 31(1) of the Railways and Transport Safety Act 2003, a local authority shall consult the Chief Constable of the British Transport Police and shall obtain his consent in respect of any non-baseline services which it is proposed are to be provided by the British Transport Police.

(2) Where a local authority designates a locality as an alcohol disorder zone by order in accordance with section 16(1) of the 2006 Act it shall—

- (a) publish that order, and set out in general terms the effect of that order, in a local newspaper circulating in the area in which the locality designated is situated or in such public places within the locality designated as the local authority considers appropriate; and
- (b) give notice to each licence holder in the alcohol disorder zone of that decision.

Imposition of charges on licence holders etc. in alcohol disorder zones

10. Subject to regulation 12, a local authority may impose charges to be paid to it for each month by all persons who, for all or part of the month in question, are licence holders in an alcohol disorder zone in that authority's area.

Purposes for which charges to be used

11.—(1) Any charges paid to a local authority under this Part shall, after the costs of the scheme have been met, be used for the provision of non-baseline services by the local authority, the chief officer of police or the British Transport Police in or in connection with the alcohol disorder zone in question and to cover the costs of reviewing the zone under Part 5 of these Regulations.

(2) In paragraph (1) the reference to the costs of the scheme is a reference to the costs of the arrangements made for, or in connection with, the imposition, collection and recovery of charges to be paid under this Part.

Exemption from charge

12.—(1) A licence holder to whom paragraph (2) applies is exempt from any charge to be paid to a local authority under this Part.

(2) This paragraph applies to any licence holder in an alcohol disorder zone where—

- (a) the principal use to which the premises in respect of which the licence holder is licensed or authorised is put does not consist in or include the sale or supply of alcohol; and
 - (b) the availability of alcohol on those premises is not the main reason, or one of the main reasons, why individuals enter or remain on those premises (whether generally or at particular times of the day or on particular days of the week, or both).
- (3) For the purposes of paragraph (2)(a), a local authority shall take into account any classification given to particular premises under the Town and Country Planning (Use Classes) Order 1987(1).

Discount from charge

13.—(1) A local authority may grant a licence holder a discount of up to ninety per cent. on any charge to be paid to it under this Part where the licence holder has implemented, in whole or in part, the steps set out in the action plan relating to the designation of the alcohol disorder zone in question which are applicable to him.

(2) Subject to paragraph (3), a local authority may grant a licence holder a discount of up to ninety per cent. on any charge to be paid to it this Part where the licence holder is a member of an accreditation or award scheme which—

- (a) seeks to reduce alcohol related offending; and
- (b) is recognised by the local authority for the purposes of this regulation.

(3) In granting any discount under paragraph (2), the local authority shall have regard to the extent to which the licence holder has implemented the steps set out in the action plan which are applicable to him.

Rates of charges: method of computing

14.—(1) A local authority shall calculate the rates of charges applicable to each alcohol disorder zone which it designates under section 16 of the 2006 Act in accordance with these Regulations.

(2) The rates of charges to be imposed on licence holders within an alcohol disorder zone shall be calculated by—

- (a) calculating the total cost of that zone in accordance with regulation 15; and
- (b) allocating, in accordance with regulation 16, that total cost between all licence holders within that zone, except those who are granted an exemption under regulation 12.

Rates of charges: calculation of total cost of alcohol disorder zone

15.—(1) The total cost of the alcohol disorder zone shall be calculated by adding together the cost of—

- (a) any chargeable non-baseline services provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone;
- (b) periodic review of the alcohol disorder zone undertaken in accordance with section 17(4) of the 2006 Act (procedure for designation of zones: periodic review); and
- (c) arrangements made for, or in connection with, the imposition, collection and recovery of charges under this Part.

(2) For the purposes of paragraph (1)(a) the following non-baseline services provided by the local authority are chargeable—

(1) [S.I. 1987/764](#); this instrument has been amended by [S.I. 1991/1567](#); [S.I. 1992/610](#); [S.I. 1992/657](#); [S.I. 1994/724](#); [S.I. 1995/297](#); [S.I. 1999/293](#); [S.I. 2002/1875](#); [S.I. 2005/84](#); [S.I. 2006/220](#); [S.I. 2006/1282](#); and [S.I. 2006/1386](#).

- (a) activities undertaken by an inspector appointed under section 72 of the Weights and Measures Act 1985⁽²⁾ (appointment of inspectors by local weights and measures authority) where undertaken for the purposes of section 154 of the 2003 Act (enforcement role for weights and measures authorities regarding the sale of alcohol to children);
 - (b) activities undertaken by the chief executive officer or an environmental health officer of a local authority under section 40 or 41 of the Anti-social Behaviour Act 2003⁽³⁾ (closure of noisy premises) or under the Noise Act 1996⁽⁴⁾ but only in so far as those activities relate to premises in respect of which a premises licence has effect; and
 - (c) activities undertaken by an officer of a licensing authority under section 57 (duty to keep and produce premises licence), 59 (inspection of premises before grant of premises licence), 94 (duty to keep and produce club premises certificate) or 96 (inspection of premises before grant of club premises certificate) of the 2003 Act, where that officer is authorised by that authority for those purposes.
- (3) For the purposes of paragraph (1)(a) non-baseline services provided by the chief officer of police are chargeable only if they are services provided by a constable or by an employee of a police authority who is designated as a community support officer under section 38(1) of the Police Reform Act 2002⁽⁵⁾ (police powers for police authority employees).
- (4) For the purposes of paragraph (1)(a) the cost of the services provided by the chief officer of police shall be determined by the police authority for the police area in which the alcohol disorder zone is located.
- (5) For the purposes of paragraph (1)(a) non-baseline services provided by the British Transport Police are chargeable only if they are services provided by a constable of the British Transport Police or by an employee of the British Transport Police Authority who is designated as a community support officer under section 38(1) of the Police Reform Act 2002 (police powers for police authority employees) as that provision is applied to the British Transport Police by section 28(1)(a) of the Railways and Transport Safety Act 2003⁽⁶⁾ (exercise of powers by civilians).
- (6) The cost of the services provided by the British Transport Police shall be determined by the British Transport Police Authority.
- (7) For the purposes of paragraph (2)(b)—
- (a) the chief executive officer of a local authority means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989⁽⁷⁾; and
 - (b) an environmental health officer of a local authority means an officer authorised by that authority for the purpose of exercising a statutory function in relation to pollution of the environment or harm to human health.

Rates of charges: allocation of total cost of alcohol disorder zone

16.—(1) A local authority shall, in accordance with this regulation, score each set of premises in an alcohol disorder zone in respect of which a licence holder is licensed or authorised, except premises in respect of which the licence holder is entitled to an exemption under regulation 12.

(2) A score shall be given for each of the following two criteria—

(2) ^{1985 c.72}. Section 72 of the 1985 Act has been amended by ^{S.I. 2006/659}.

(3) ^{2003 c.38}. Section 41 of the 2003 Act has been amended by section 106 of, and paragraphs 12 and 13 of Schedule 4 to, the Clean Neighbourhoods and Environment Act ^{2005 (c.16)}. Section 40 of the 2003 Act has been amended by section 280 of, and paragraph 59 of Schedule 26 to, the Criminal Justice Act ^{2003 (c.44)} but that amendment is not yet in force.

(4) ^{1996 c.37}.

(5) ^{2002 c.30}.

(6) ^{2003 c.20}.

(7) ^{1989 c.42}. Section 4 of the 1989 Act has been amended but none of the amendments is relevant to this instrument.

- (a) Premises' rateable value; and
- (b) hours of opening during the service period.

(3) In scoring premises against each criterion, the local authority shall have regard to the non-baseline services that will need to be provided in or in connection with the alcohol disorder zone in immediate response to activities in those premises.

(4) The total score for each set of premises will determine the charge for those premises, whereby, subject to paragraph (6) and to any discounts granted in accordance with regulation 13, a higher charge shall be imposed on premises requiring a higher level of non-baseline services to be provided in or in connection with the alcohol disorder zone.

(5) For the purposes of calculating the total score, a local authority may, in respect of all premises in an alcohol disorder zone in respect of which a licence holder is licensed or authorised, give more or less weight to either of the two scores calculated under paragraph (2) and may add or multiply together those scores, as weighted.

(6) A local authority may use different weighting or add or multiply scores differently for different descriptions of premises, provided that all premises of the same description have their scores calculated in the same way.

(7) A local authority may create bands of total scores, whereby each premises within a band will be subject to the same charge.

Statement of charge

17.—(1) Where a local authority designates a locality as an alcohol disorder zone in accordance with section 16(1) of the 2006 Act it shall, within five days of that designation, issue to each licence holder in that zone a statement containing the information specified in paragraph (2).

(2) That information is—

- (a) any non-baseline services to be provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone and in return for a charge;
- (b) the total amount of charges to be paid to the local authority under this Part for each month;
- (c) the scores given under regulation 16(2) and the total score given under regulation 16(4) in respect of the premises for which the licence holder is licensed or authorised;
- (d) whether any discount or exemption applies to the licence holder;
- (e) if a discount applies, how that discount was calculated;
- (f) any band in which the premises in respect of which the licence holder is licensed or authorised are placed in accordance with regulation 16(7);
- (g) an estimate of the charge to be paid to the local authority by the licence holder for each month;
- (h) the service period or service periods applicable;
- (i) an approximation of the level of non-baseline services the licence holder can expect to receive from the local authority, the chief officer of police and the British Transport Police in return for the charge to be paid;
- (j) the means by which the licence holder can appeal the level of charge imposed; and
- (k) the regularity with which the licence holder will be invoiced.

Collection of charge

18.—(1) The local authority shall, on a regular basis, issue an invoice to each licence holder in an alcohol disorder zone except those who are granted an exemption under regulation 12

(2) An invoice shall be served by post.

(3) An invoice shall include the following information—

- (a) the name and address of the local authority;
- (b) the total amount payable for which the invoice is issued;
- (c) the period of time for which that amount is payable;
- (d) the amount payable for each month which falls within the period of time specified under sub-paragraph (c);
- (e) the date by which the payment must be made, which shall be twenty-eight days after service;
- (f) the method of payment to be used;
- (g) any reduction in the non-baseline services provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone in return for a charge during that period ; and
- (h) the consequences of late or non-payment of the charge.

(4) For the purposes of paragraph (3)(e) the invoice is deemed to be served five days after the day on which it is posted.

(5) For the purposes of paragraph (3)(g) there is a reduction in non-baseline services if the level of non-baseline services provided by the local authority, the chief officer of police and the British Transport Police in or in connection with the alcohol disorder zone as a whole is lower than the level of non-baseline services set out in the statement of charge in accordance with regulation 17(2)(a).

Late payment of charge

19.—(1) Where a charge, or part of a charge, has not been paid to a local authority within twenty-eight days of service of the invoice the local authority shall issue a final demand notice to the licence holder.

(2) The final demand notice shall include the same information as that contained in the original invoice, except that the date by which payment must be made shall be seven days after service of that notice.

(3) Any charge which is not paid to the local authority within fourteen days of service of the final demand notice shall carry interest at the rate of three per cent. per annum from the tenth day to the date on which it is paid.

(4) A final demand notice shall be served by post and is deemed to be served five days after the day on which it is posted.

Suspension of premises licences and club premises certificates for non payment of charge

20.—(1) Where a charge has not been paid to a local authority within seven days of service of a final demand notice, the local authority may issue a certificate to the relevant licensing authority which—

- (a) notifies the licensing authority that a charge has not been paid within seven days of service of a final demand notice; and
- (b) identifies the premises in respect of which the charge is payable.

(2) The licensing authority shall give notice in writing to the person holding the licence or club premises certificate in respect of the premises identified in the certificate that—

- (a) a certificate has been received in respect of premises for which they hold a premises licence or a club premises certificate;
- (b) representations can be made by, or on behalf of, that person to the licensing authority within seven days of service of this written notice;
- (c) failure to make representations shall give rise to suspension of the premises licence or club premises certificate held by the person unless the licensing authority has reason to believe that the licence holder had good reason for withholding payment;
- (d) any representations shall be considered by the licensing authority at a hearing which the licensing authority will hold to determine whether to suspend the premises licence or club premises certificate held by the person; and
- (e) the person is entitled to attend and make oral representations at that hearing.

(3) The written notice issued under paragraph (2) shall be served by post and shall be deemed to be served five days after the day on which it is posted.

(4) The licensing authority shall, within forty days of receipt of a certificate, determine whether to suspend a premises licence or club premises certificate in respect of premises identified in the certificate it received and, where representations have been received from the person holding that licence or club premises certificate, it shall make that determination at a hearing.

(5) Notice of that hearing must be served on all interested parties at least ten days before the hearing.

(6) The written notice issued under paragraph (5) shall be served by post and shall be deemed to be served five days after the day on which it is posted.

(7) The licensing authority shall suspend a premises licence or club premises certificate in respect of premises identified in a certificate where it is satisfied that a charge imposed by a local authority under regulation 10 has, without good reason, not been paid within seven days of service of a final demand notice.

(8) The licensing authority shall give notice in writing of its decision to the holder of the premises licence or club premises certificate as soon as reasonably practicable.

(9) The notice of its decision under paragraph (8) shall be served by post and is deemed to be served five days after the day on which it is posted.

(10) Where the licensing authority suspends a premises licence or club premises certificate the suspension—

- (a) shall commence on the day after the day on which the notice is deemed to be served;
- (b) shall have effect until payment of the charge and any interest carried on that charge by virtue of regulation 19(3) is received by the local authority.

(11) For the purposes of this regulation “licensing authority” has the same meaning as in section 3 of the Licensing Act 2003 (licensing authorities) and the relevant licensing authority is the authority which issued the premises licence or club premises certificate in respect of the premises identified in the certificate.

Allocation of charges received

21.—(1) A local authority shall pay to the police authority for the police area in which the alcohol disorder zone is situated the costs incurred by that authority in the provision of chargeable non-baseline services by the chief officer of police calculated in accordance with regulation 15.

(2) A local authority shall pay to the British Transport Police Authority the costs incurred by that Authority in the provision of chargeable non-baseline services by the British Transport Police calculated in accordance with regulation 15.